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SIPDIS

SENSITIVE
EUR/WE (R. MARBURG AND D. PARADISE);
EUR/PPD (L. MCMANIS AND A. PIPKIN);
LONDON FOR R. HUBER

E.O. 12958: N/A

TAGS: ELAB PHUM PGOV BD

SUBJECT: BERMUDA: MIGRANT WORKER ABUSE NOW ON THE RADAR SCREEN

Summary

¶1. (SBU) Bermuda is one of the most affluent countries in the world, but migrant workers at the lower end of the economy in the construction, hospitality and domestic service industries are vulnerable to workplace abuse. An estimated two-three dozen guest workers complained about labor abuse to the Government of Bermuda (GOB), unions or aid organizations in 2009. The GOB and NGO sources fear that many more are afraid to protest abusive conditions for fear of being deported and losing what to them is a comparatively good income. End summary.

Migrant Labor Abuse Exists in Wealthy Bermuda

¶2. (SBU) Expatriates hold about one-third of all jobs in Bermuda. While many work in the very lucrative international business sector where pay is high (\$94,373 median income), other non-Bermudians - mostly from under-developed countries - work at the low end of the pay scale in the tourism, construction and domestic service industries (about \$35,500 median income). Minister of Labor and Home Affairs Lt. Col. David Burch publicly acknowledged in February that a very small percentage of guest workers are vulnerable to abuse at the hands of their employers.

The Department of Labor and Training estimated that it received four-five abuse complaints in 2009, primarily about excessive hours or low wages (Bermuda has no minimum wage).

¶3. (SBU) Immigrants are employed in Bermuda under a strict system of government work permits obtained by employers on behalf of their foreign employees, usually for a term not to exceed six years. The GOB and NGOs acknowledge that there is no accurate way to judge the extent of migrant labor abuse, because victims rarely lodge a formal complaint out of fear of deportation or loss of income. However, if a victim does file a complaint, the Department of Immigration is authorized to revoke all of an abusive employer's work permits and/or prevent him from obtaining permits in the future. Chief Immigration Officer Rozy Azhar explained to Consulate staff that revoking work permits is not a decision that the Department takes lightly, and it has only done so once in recent memory. She said that more often the Department puts a hold on a company's work permits; "Regarding abusive employers, perhaps once in two months, we will put an employer's (work permit) applications on hold while the Department of Labor investigates the complaint. Normally that is enough of a threat for employers to improve their treatment of employees. The challenge to all of this is that persons have to complain so that we can identify it as a trend in that company. Most do not." In cases of permit revocation, the Immigration Department is authorized to afford the guest worker relief by issuing a new work permit to seek alternate

employment. Stories that the Immigration Department will deport the victim are untrue, according to Azhar.

¶4. (SBU) In 2009 approximately two dozen migrant workers, mostly from Asia, contacted an NGO about abusive conditions, either the Bermuda Industrial Union (BIU), the Physical Abuse Center (PAC), the Women's Resource Center (WRC), and the Salvation Army. The PAC told Consulate staff that live-in nannies, many of whom are from the Philippines, are particularly at risk. According to the BIU, a few employers require guest workers to live in illegally-crowded dwellings, while in other cases guest workers choose to live that way to reduce living costs. All the NGOs mentioned that the abuse is often in the form of long hours, lower wages for the same work, or denied benefits. They also stated that in a very few cases, employers reportedly confiscate victims' passports. The PAC noted that some employers have been known to threaten complaining migrant workers with having to repay the entire cost, or the return portion, of their airline tickets, which may be beyond their means.

Comment

¶5. (SBU) Although migrant labor abuse is not a major issue in Bermuda, it does exist, and the GOB and NGOs fear it could be larger issue than many people realize. The good news is that the government and NGOs are aware of the problem, and the BIU is offering union protection to migrant workers - a first for the labor organization. Bermuda's labor movement has traditionally

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been anti-foreigner, but those tensions seem to be in abeyance somewhat now that the membership sees the value of incorporating guest workers into a system where union wage guidelines apply to all workers, both Bermudians and non-Bermudians - thereby reducing the likelihood of wage competition.

SHELTON